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Case No. 4380US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Russell G. Higuchi**) Group Art Unit: 1743
Serial No.: 08/968,208) Examiner: J. Snay
Filed: November 11, 1997) Confirmation Number:
For: **INSTRUMENT FOR**)
MONITORING NUCLEIC ACID)
AMPLIFICATION)

CERTIFICATE FACSIMILE TRANSMISSION

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Signature: Vincent M Powers

Print Name: Vincent M Powers

Amendment Under 37 CFR § 1.312

Commissioner for Patents
Washington, DC 20231

Sir:

Pursuant to a Notice of Allowance mailed April 2, 2004, all claims pending in the instant application (Claims 30-47), stand allowed. Prior to issuance, please enter the following amendments by which dependent claims 38 and 47 are canceled. This Amendment is being submitted prior to payment of the issue fee in accordance with 37 CFR § 1.312.

Amendments to the claims, as reflected in the Listing of Claims, begin on page 2.

Remarks begin on page 4.